IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2263 OF 2007

The Maharashtra State Co-operative
Cotton Growers Federation Ltd. ...Petitioners
V/s.
The Director of Marketing
Through The State of Maharashtra & Anr. ...Respondents

Ms.Madhavi Tavanandi for the Petitioners.
Mr.V.P. Malvankar, AGP for the Respondent No.1.
Mr.R.D. Soni instructed by M/s.Ram & Co. for Respondent No.2.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : NOVEMBER 21, 2007

P.C. :-

. By the impugned order passed by the Director of Marketing, Maharashtra State, Pune, it is observed that the questions that are involved require leading of oral and documentary evidence and cannot be decided by following summary procedure which is followed under Section 40 of the Maharashtra Raw Cotton Act. The dispute involves decision of disputed questions of fact. The appropriate remedy for the petitioner is to file a civil suit for recovery of the amount. We do not see any patent error or illegality committed by the Director in holding that civil suit is the appropriate remedy.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)